

SENATE BILL 417

R7, E4

9lr2783
CF HB 301

By: **Senators Carter, Augustine, Benson, Ferguson, Hayes, Lee, McCray,
Nathan-Pulliam, Smith, and Washington**

Introduced and read first time: February 1, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Ethnicity–Based or Race–Based Traffic Stops – Policy and**
3 **Reporting Requirements**

4 FOR the purpose of requiring certain law enforcement agencies to report certain
5 information to the Maryland Statistical Analysis Center; altering the categories of
6 ethnicity and race a law enforcement officer is required to report to the law
7 enforcement agency that employs the officer; requiring the Maryland Statistical
8 Analysis Center to make certain reports to the General Assembly, the Governor, and
9 law enforcement agencies; altering a certain definition; repealing a termination
10 provision for certain provisions of law relating to policy and reporting requirements
11 for race–based traffic stops; making stylistic changes; and generally relating to law
12 enforcement procedures and traffic stops.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 25–113
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,
19 Chapter 127 of the Acts of the General Assembly of 2015
20 Section 2

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 25–113.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Law enforcement agency” means an agency that is listed in § 3–101(e)
3 of the Public Safety Article.

4 (3) “Law enforcement officer” means any person who, in an official
5 capacity, is authorized by law to make arrests and who is an employee of a law enforcement
6 agency.

7 (4) **“MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”**
8 **MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND**
9 **CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY**
10 **ARTICLE.**

11 [(4)] (5) “Maryland Statistical Analysis Center” means the research,
12 development, and evaluation component of the Governor’s Office of Crime Control and
13 Prevention.

14 [(5) “Police Training and Standards Commission” means the unit within the
15 Department of Public Safety and Correctional Services established under § 3–202 of the
16 Public Safety Article.]

17 (6) (i) “Traffic stop” means any instance when a law enforcement officer
18 stops the driver of a motor vehicle and detains the driver for any period of time for a
19 violation of the Maryland Vehicle Law.

20 (ii) “Traffic stop” does not include:

21 1. A checkpoint or roadblock stop; **OR**

22 2. A stop of multiple vehicles due to a traffic accident or
23 emergency situation requiring the stopping of vehicles for public safety purposes[;

24 3. A stop based on the use of radar, laser, or vascar
25 technology; or

26 4. A stop based on the use of license plate reader technology].

27 (b) The **MARYLAND** Police Training and Standards Commission, in consultation
28 with the Maryland Statistical Analysis Center, shall develop:

29 (1) A model format for the efficient recording of data required under
30 subsection (d) of this section on an electronic device, or by any other means, for use by a
31 law enforcement agency;

32 (2) Guidelines that each law enforcement agency may use as a

1 management tool to evaluate data collected by its officers for use in counseling and
2 improved training;

3 (3) A standardized format that each law enforcement agency shall use in
4 reporting data to the Maryland Statistical Analysis Center under subsection (e) of this
5 section; and

6 (4) A model policy against **ETHNICITY-BASED AND** race-based traffic
7 stops that a law enforcement agency may use in developing its policy in accordance with
8 subsection (g) of this section.

9 (c) [(1) Subject to paragraph (2) of this subsection, this] **THIS** section applies
10 to each law enforcement agency that has one or more law enforcement officers.

11 [(2) Except as provided in subsection (e)(2) of this section, this section does
12 not apply to a law enforcement agency that is subject to an agreement with the United
13 States Department of Justice that requires the law enforcement agency to collect data on
14 the race or ethnicity of the drivers of motor vehicles stopped.]

15 (d) Each time a law enforcement officer makes a traffic stop, that officer shall
16 report the following information to the law enforcement agency that employs the officer
17 using the format developed under subsection (b)(1) of this section:

18 (1) The date, location, and time of the stop;

19 (2) The approximate duration of the stop;

20 (3) The traffic violation or violations alleged to have been committed that
21 led to the stop;

22 (4) Whether a search was conducted as a result of the stop;

23 (5) If a search was conducted, the reason for the search, whether the search
24 was consensual or nonconsensual, whether a person was searched, and whether a person's
25 property was searched;

26 (6) Whether any contraband or other property was seized in the course of
27 the search;

28 (7) Whether a warning, safety equipment repair order, or citation was
29 issued as a result of the stop;

30 (8) If a warning, safety equipment repair order, or citation was issued, the
31 basis for issuing the warning, safety equipment repair order, or citation;

32 (9) Whether an arrest was made as a result of either the stop or the search;

- 1 (10) If an arrest was made, the crime charged;
- 2 (11) The state in which the stopped vehicle is registered;
- 3 (12) The gender of the driver;
- 4 (13) The date of birth of the driver;
- 5 (14) The state and, if available on the driver's license, the county of
6 residence of the driver; [and]
- 7 (15) **THE ETHNICITY OF THE DRIVER AS:**
- 8 **(I) HISPANIC OR LATINO; OR**
- 9 **(II) NOT HISPANIC OR LATINO; AND**
- 10 **(16) The race [or ethnicity] of the driver as:**
- 11 **[(i) Asian;**
- 12 **(ii) Black;**
- 13 **(iii) Hispanic;**
- 14 **(iv) White; or**
- 15 **(v) Other.]**
- 16 **(I) WHITE ALONE;**
- 17 **(II) BLACK OR AFRICAN AMERICAN ALONE;**
- 18 **(III) ASIAN ALONE;**
- 19 **(IV) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ALONE;**
- 20 **(V) SOME OTHER RACE ALONE;**
- 21 **(VI) TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR**
- 22 **(VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE.**
- 23 (e) **[(1)]** A law enforcement agency shall:

1 [(i)] (1) Compile the data described in subsection (d) of this section
2 for the calendar year as a report in the format required under subsection (b)(3) of this
3 section; and

4 [(ii)] (2) Submit the report to the Maryland Statistical Analysis
5 Center no later than March 1 of the following calendar year.

6 [(2) A law enforcement agency that is exempt under subsection (c)(2) of this
7 section shall submit to the Maryland Statistical Analysis Center copies of reports it submits
8 to the United States Department of Justice in lieu of the report required under paragraph
9 (1) of this subsection.]

10 (f) (1) The Maryland Statistical Analysis Center shall analyze the annual
11 reports of law enforcement agencies submitted under subsection (e) of this section based on
12 a methodology developed in consultation with the **MARYLAND** Police Training and
13 Standards Commission.

14 (2) The Maryland Statistical Analysis Center shall submit a report of the
15 findings, **DISAGGREGATED BY JURISDICTION AND LAW ENFORCEMENT AGENCY**, to
16 the Governor, the General Assembly in accordance with § 2–1246 of the State Government
17 Article, and each law enforcement agency before September 1 of each year.

18 **(3) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT**
19 **A COPY OF EACH REPORT SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION TO**
20 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT**
21 **ARTICLE, THE GENERAL ASSEMBLY BEFORE SEPTEMBER 1 EACH YEAR.**

22 (g) (1) A law enforcement agency shall adopt a policy against race–based
23 traffic stops that is to be used as a management tool to promote nondiscriminatory law
24 enforcement and in the training and counseling of its officers.

25 (2) (i) The policy shall prohibit the practice of using an individual’s race
26 or ethnicity as the sole justification to initiate a traffic stop.

27 (ii) The policy shall make clear that it may not be construed to alter
28 the authority of a law enforcement officer to make an arrest, conduct a search or seizure,
29 or otherwise fulfill the officer’s law enforcement obligations.

30 (3) The policy shall provide for the law enforcement agency to periodically
31 review data collected by its officers under subsection (d) of this section and to review the
32 annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of
33 this subsection.

34 (h) (1) If a law enforcement agency fails to comply with the reporting
35 provisions of this section, the Maryland Statistical Analysis Center shall report the
36 noncompliance to the **MARYLAND** Police Training and Standards Commission.

1 (2) The **MARYLAND** Police Training and Standards Commission shall
2 contact the law enforcement agency and request that the agency comply with the required
3 reporting provisions.

4 (3) If the law enforcement agency fails to comply with the required
5 reporting provisions within 30 days after being contacted by the **MARYLAND** Police
6 Training and Standards Commission, the Maryland Statistical Analysis Center and the
7 **MARYLAND** Police Training and Standards Commission jointly shall report the
8 noncompliance to the Governor and the Legislative Policy Committee of the General
9 Assembly.

10 **Chapter 127 of the Acts of 2015**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2015. [It shall remain effective for a period of 5 years and, at the end of May 31, 2020,
13 with no further action required by the General Assembly, this Act shall be abrogated and
14 of no further force and effect.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.